

## **Review of Department's SBU guidance document**

The following are comments from reviewing the Department's Guide on Sensitive But Unclassified Information document.

### SBU Memo v4

- Are there other categories of data that Ed information could be classified as- Confidential, Sensitive? Or is all Ed information considered to be SBU. If all information for Ed is to be classified as SBU, this needs to be clearly stated. The first paragraph sort of says this, but if it is true, it needs to be stated in a way that leaves no doubt that all Ed information is SBU.
- First paragraph. It isn't really clear what FOIA has to do with any of the rest of the document. One suggestion would be to put a sentence or 2 stating that the classification of SBU affects the public's ability to access the information under FOIA. That would make it seem less random.
- Second paragraph. There are examples of information that was cited for not being protected. Could this list be expanded to include all of the information that was cited, just to give the SSOs a better idea of what types of information they should focus on and what information may not be appropriate to send over email.
- Second Bullet. Attachment C was not included in the email. Could that be sent out for review?
- Fourth Bullet. Does SBU information need to be locked in a desk at night? Or is it just clean-desk-policy? Also, this needs to be expanded to not having SBU left in plain view when you are not at your desk for a significant period of time; for example when you go to lunch.
- Third Bullet. From my work with the Privacy Act, I think that it would be appropriate to send SBU information over email, as long as it is done in a proper manner. For example, two identifying fields (name and SSN) shouldn't be sent over email, but an SSN can be transmitted over email, as long as it is not clearly stated that this information is a SSN and who's SSN it is.
- What about other forms of transmission of SBU data? For example, fax cover sheets for SBU data should have a disclaimer about government property and destroying if the wrong person receives it.
- How about adding a confidentiality/privacy statement to emails with SBU data?
- Do SBU standards apply to all groups that Ed interacts with (borrowers, banks, schools)? Or do some groups have a higher implicit level of trust?
- Another issue that might come up in regards to transmission of SBU information is nonrepudiation. How much of a guarantee does the Dept want/need for this matter?
- First paragraph. It says that the data falls under a FOIA exception. After reading the accompanying FOIA document, it does not seem clear what exception the data would fall under. Does this information need to be included in the SBU memo document?